



Order Filed on November 19, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA
UNITED STATES TRUSTEE, REGIONS 3 & 9
Mitchell Hausman, Esquire
One Newark Center, Suite 2100
Newark, NJ 07102
Telephone: (973) 645-3660
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Email: Mitchell.B.Hausman@usdoj.gov

In Re:

William J. Focazio,

Debtor.

Chapter 11

Case No. 19-10880 (VFP)

Hearing Date: October 20, 2020 at 2:30 p.m.

Judge: Vincent F. Papalia

**ORDER DENYING DEBTOR'S ELECTION TO PROCEED UNDER SUBCHAPTER V
OF CHAPTER 11**

The relief set forth on the following page numbered two (2) is hereby **ORDERED**.

DATED: November 19, 2020



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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William J Focazio

Case No.: 19-10880 (VFP)

Order Denying Debtor's Election To Proceed Under Subchapter V of Chapter 11

This matter having been brought before the court by the Debtor through his amended petition, (ECF. No. 189); and within the amended petition the Debtor having elected for the first time to proceed under Subchapter V of Chapter 11; and

WHEREAS objections to the amended petition having been filed by SB One Bank and Provident Bank, (ECF. No. 201), Allstate New Jersey Property and Casualty Insurance Company, (ECF. No. 202), the United States Trustee, (ECF. No. 204), and Edward A. Phillips, Chapter 11 trustee for the bankruptcy estate of William J. Focazio, (ECF. No. 208); and Fulton Bank, N.A. having filed a joinder to the United States Trustee's objection, (Doc. No. ECF); and the Debtor having filed a response, (ECF. No. 209); and

WHEREAS the court having conducted a hearing on October 20, 2020; and the parties having appeared and made their arguments; and for the reasons set forth on the record at the hearing in the court's oral opinion; and for good cause shown; and

WHEREAS the Subchapter V Trustee was appointed by the United States Trustee on August 18, 2020 (ECF No. 407). The denial of the Debtors' election shall not prejudice the rights or ability of the Subchapter V Trustee to file a final fee application for the interim period prior to the effective date of this Order; it is hereby:

ORDERED that the Debtor's election to proceed under Subchapter V of Chapter 11 is **DENIED**.

In re:
William J Focazio
Debtor(s)

Case No. 19-10880-VFP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Nov 19, 2020

User: admin
Form ID: pdf903

Page 1 of 3
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 21, 2020:

Recip ID	Recipient Name and Address
db	+ William J Focazio, 101 Fox Hedge Road, Saddle River, NJ 07458-2715
aty	+ Roper & Thyne, LLC, Roper & Thyne, LLC, 77 Jefferson Place, Totowa, NJ 07512-2614

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 21, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 19, 2020 at the address(es) listed below:

Name	Email Address
Aaron M. Bender	on behalf of Creditor BANK OF AMERICA N.A. abender@reedsmith.com, litgett@reedsmith.com
Andrew M. Lubin	on behalf of Creditor Wilmington Savings Fund Society FSB, as Trustee of Stanwich Mortgage Loan Trust A bkecf@milsteadlaw.com, alubin@milsteadlaw.com
Brian E Caine	on behalf of Creditor U.S. Bank National Association not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT bcaine@parkermccay.com, BKeourtnotices@parkermccay.com
Daniel F. Corrigan	on behalf of Creditor First Commerce Bank dcorrigan@windelsmarx.com mslama@windelsmarx.com
David B. Grantz	on behalf of Creditor Provident Bank f/k/a The Provident Bank dgrantz@meyner.com ckelly@meyner.com

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David S. Catuogno	on behalf of Creditor Oritani Bank david.catuogno@klgates.com
Donald F. Campbell, Jr.	on behalf of Creditor Allstate New Jersey Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate New Jersey Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Insurance dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff AllState Fire and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Property and Casualty Company of New Jersey dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate New Jersey Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass insurance company of New Jersey dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Indemnity Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Indemnity Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Eamonn O'Hagan	on behalf of Creditor United States of America (Internal Revenue Service) eamonn.ohagan@usdoj.gov
Edward A. Phillips	ephillips@getzlerhenrich.com
Elizabeth K. Holdren	on behalf of Creditor Wilmington Savings Fund Society FSB as Trustee for Stanwich Mortgage Loan Trust A, through Carrington Mortgage Services, LLC, servicer and attorney-in-fact eholdren@hillwallack.com, jhanley@hillwallack.com; hwbknj@hillwallack.com
Jerrold S. Kulback	on behalf of Creditor Fulton Bank of New Jersey jkulback@archerlaw.com chansen@archerlaw.com
Kevin Gordon McDonald	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Kurt Ryan Kowalski	on behalf of Creditor On Deck Capital Inc. krk@splawoffice.com
Marc D. Miceli	on behalf of Debtor William J Focazio mmiceli@sm-lawpc.com lindsay@sm-lawpc.com
Matthew Patrick Dolan	on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County N.J. mdolan@meyner.com
Matthew Patrick Dolan	on behalf of Creditor Provident Bank f/k/a The Provident Bank mdolan@meyner.com
Mitchell Hausman	on behalf of U.S. Trustee U.S. Trustee Mitchell.B.Hausman@usdoj.gov
Philip Seth Rosen	on behalf of Creditor BANK OF AMERICA N.A. prosen@zeklaw.com, 3723198420@filings.docketbird.com
Sari Blair Placona	on behalf of Unknown Role Type William J. Focazio MD PA and Endo Surgical Center of North Jersey PC splacona@msbnj.com
Steven J. Mitnick	on behalf of Debtor William J Focazio smitnick@sm-lawpc.com lindsay@sm-lawpc.com
Sydney J. Darling	

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Total Noticed: 2

on behalf of Trustee Edward A. Phillips sdarling@walsh.law mvargas@walsh.law

Sydney J. Darling

on behalf of U.S. Trustee U.S. Trustee sdarling@walsh.law mvargas@walsh.law

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 33